

REMARKS

In the Office Action dated January 23, 2006, typographical errors in claims 48, 61 and 24 were noted, all of which have been corrected. Applicant's review of the application has also resulted in the identification of typographical errors in other claims similar to the typographical error in claim 24, and those other claims therefore have been corrected as well.

Claims 1-12, 14-47 and 49-69 were rejected under 35 U.S.C. §102(e) as being anticipated by Kates. Claims 13 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kates in view of Weidner.

These rejections are respectfully traversed for the following reasons.

In substantiating the anticipation rejection based on the Kates reference, the Examiner stated the Kates reference discloses a feedback cancellation or compensation arrangement for use in a hearing having an adaptive filter 401. The Examiner stated that any of filters 419, 421 or 423 could be considered as corresponding to the frequency-limiting filter as claimed. The Examiner stated these filters limit the frequency range within which the compensation filter compensates feedback, citing column 3, lines 30-34 and column 8, lines 30-51.

Independent claims 1, 35 and 36 as originally filed were intended to mean that the frequency-limiting filter, that limits the frequency range within which the adaptive feedback compensation filter compensates the feedback, acts on the input to the adaptive feedback compensation filter, at which the amplified output signal is supplied to the adaptive feedback compensation filter, in order to frequency-limit that output signal (now serving as an input signal to the adaptive feedback compensation

filter). These independent claims have now been editorially amended to make this original intent explicit.

In view of this language that has been added in the independent claims, Applicant submits there is only one filter shown in Figure 4 of the Weidner reference that could be considered as corresponding to the frequency-limiting filter as now set forth in the independent claims, and this is the frozen filter 419. In the Office Action, the Examiner included filters 421 and 423, together with filter 419, as possible candidates for corresponding to the aforementioned frequency-limiting filter, however, the filters 421 and 423 do not act on the input signal to the adaptive filter 401, but instead are used to formulate a control signal for the adaptive filter 401, through the unit 403 (called LMS Adapt in the Kates reference).

As its name implies, the frozen filter 419 is not an adaptive filter. As stated at column 8, lines 6-7, the frozen filter 419 is a slow-varying or non-varying (frozen) filter. If the filter 419 is non-varying filter, it clearly does not fall into the category of an “adaptive” filter. Even if the filter 419 is a slow-varying filter, there is no control input shown for the filter 419 in the Figure 4 of the Kates reference, and thus there is no disclosure in that reference as to how, if at all, the slow-varying is accomplished. Moreover, the fact that the filters 421 and 423 are clearly called “adaptive” filters in the Kates reference, whereas this terminology was not used to describe the filter 419, clearly indicates that Kates did not consider the filter 419 as being an “adaptive” filter.

The passages cited by the Examiner in the Kates reference at column 3, lines 30-34 and column 8, lines 30-51 refer to techniques for operating the adaptive filters 421 and 423, but do not apply to the filter 419. As noted above, neither of the filters

421 nor 423 can satisfy the language of amended independent claims 1, 35 or 36 in order to be connected in the manner of the frequency-limiting filter. Therefore, the passages noted by the Examiner concerning the operation of filters 421 and 423 are not relevant to the frequency-limiting filter as claimed in the claims of the present application.

The Kates reference, therefore, does not disclose all of the elements of claims 1-12, 14-47 or 49-46 as arranged and operating in those claims, and therefore does not anticipate any of those claims.

As to the rejection of claims 13 and 48 based on Kates in view of Weidner, for the above reasons Applicant submits that even if the Kates reference were modified in accordance with the teachings of the Weidner reference, the subject matter of claims 13 and 48 still would not result, since claim 13 embodies the subject matter of independent claim 1 therein and claim 48 embodies the subject matter of claim 36 therein. The above arguments regarding the lack of a disclosure in the Kates reference of a frequency-limiting filter as claimed in those independent claims are therefore relevant to the rejection of dependent claims 13 and 48 based on the teachings of Kates and Weidner.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,

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